

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID LEE ROSENBERG,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

4:13-CV-3114

MEMORANDUM AND ORDER ON  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS

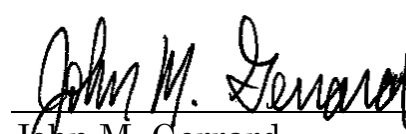
The plaintiff, a non-prisoner, has filed an Application for Leave to Proceed in Forma Pauperis (filing 2). The allegations in the application would sufficiently prove the plaintiff's eligibility to proceed in forma pauperis, if properly supported. However, an application to proceed in forma pauperis must be supported by a proper affidavit containing the required information. See, 28 U.S.C. § 1915(a)(1); NECivR 3.3(a); *Nerness v. Johnson*, 401 F.3d 874 (8th Cir. 2005).

The plaintiff's affidavit is signed and was sworn to before a notary, but the notary's signature is not accompanied by the required seal. See Neb. Rev. Stat. § 64-107. Nor does the plaintiff's application attest to its truth under penalty of perjury, such that it could suffice as a declaration under 28 U.S.C. § 1746. Therefore, the plaintiff's affidavit is insufficient to meet the requirements of § 1915(a)(1) and NECivR 3.3(a). The plaintiff's application is denied without prejudice to the filing of another application, supported by a sworn poverty affidavit or declaration.

IT IS ORDERED that the plaintiff's Application to Proceed in Forma Pauperis, filing 2, is denied without prejudice.

Dated this 13th day of June, 2013.

BY THE COURT:



John M. Gerrard  
United States District Judge